IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

W.P.(C).No. 3158 of 2007(A)

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CC.490/2002 of J.M.F.C.-II,NEYYATTINKARA

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PETITIONER:

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DAISY BHAYI, D/O.LODSI BHAYI,
SHALOM NIVAS, KODANKARA, CHENKAL DESOM,
CHENKAL VILLAGE, NEYYATTINKARA TALUK.

BY ADV. SRI.B.S.SWATHY KUMAR
SRI.K.G.RENGANATH

RESPONDENTS:

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1. BIJUKUMAR, S/O.THANKAYYAN,
BIJU BHAVAN, NEAR ODATHALAKULAM,
ERICHALLOOR DESOM, KARODE VILLAGE.

2. THANKAYAN, S/O.ANTODY OF DO. DO.

3. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**R.BASANT, J**

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**W.P(C).No.3158 of 2007**

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Dated this the 19th day of February, 2007

**JUDGMENT**

The petitioner is the defacto complainant in a prosecution, inter alia, under Section 498 A I.P.C. The short prayer of the petitioner is that the said case may be disposed of at the earliest.

2. The report of the learned Magistrate was called for. In the report, the learned Magistrate explains the circumstances under which the case could not be disposed of earlier. The learned Magistrate further submits that on getting O.M from this Court, calling for a report, the case has been advanced suo motu and the same has been posted for trial to specific dates. The learned Magistrate further undertakes that every effort shall be made to dispose of the matter by 30.04.2007.

3. I take note of the submissions made by the learned Magistrate. I am satisfied that no further directions need be issued in this Writ Petition in as much as the learned Magistrate has undertaken to make every effort to dispose of the case by 30.04.2007. I accept the said submission. This Writ Petition is, in these circumstances, dismissed as unnecessary now.

**(R.BASANT, JUDGE)**

rtr/-

**R.BASANT, J**

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**W.P(C).No.3158 of 2007**

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Dated this the 30th day of January, 2007

**ORDER**

The short grievance of the petitioner who is the defacto complainant in a prosecution, inter alia, under Sections 498 A and 420 I.P.C is that though the alleged incident had taken place and the crime was registered as early as in 2002, no further progress has been made in the case which is numbered as C.C.No.490 of 2002. The petitioner, the victim/defacto complainant woman prays for an early disposal.

2. The prayer does appear to me to be most legitimate and reasonable. Call for a report from the learned Magistrate as to why the case was not taken up for disposal yet. The learned Magistrate shall also inform the Court the time that will be required for final disposal of the case. I make it clear that I expect the learned Magistrate to advance the hearing of the case and ensure expeditious disposal. Await report of the learned Magistrate.

3. Call on 19.02.2007. The Registry shall ensure that the report is made available then.

**(R.BASANT, JUDGE)**

rtr/-